

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re: Michael J. Brzeski

Debtor

) Case No. 16-10809
) Chapter 13 Proceedings
) Judge Arthur I. Harris

**TRUSTEE'S MOTION TO DISMISS CASE
FOR FAILURE TO FUND**

Now comes **LAUREN A. HELBLING**, the duly appointed and qualified Standing Chapter 13 Trustee ("Trustee") herein, and hereby moves this Honorable Court to dismiss the case of the Debtor pursuant to Section 1307 of the Bankruptcy Code for failure to fund. In support of this motion, the Trustee makes the following representations to the Court:

1. The Debtor filed a petition under Chapter 13 of Title 11, U.S.C. on **February 19, 2016**. The plan of the Debtor was confirmed on **July 18, 2016**. The current plan of the Debtor provides for payments to the Trustee of **\$1,850.00 monthly**.

2. The Trustee has reviewed the Trustee's records and states that as of the date of this motion, the Debtor is delinquent **\$7,775.00**.

3. The Trustee will not withdraw this motion unless a response is filed and the Debtor submits **\$7,775.00** to the Trustee along with the additional payment of **\$1,850.00 per month** due by the hearing date set by the Court or the Trustee.

4. Section 1307(c)(1) of the Bankruptcy Code states that unreasonable delay by the debtor that is prejudicial to creditors is grounds for dismissal of the case of the debtor. In addition, Section 1307(c)(6) of the Bankruptcy Code states that material default by the debtor with respect to the terms of a confirmed plan is grounds for dismissal of the case of the debtor. The Trustee believes that the failure of the debtor to maintain payments to the Trustee has unreasonably delayed the administration of the case of the debtor, and ultimately delayed the potential repayment of the creditors of the estate of the debtor. As a result, cause exists to dismiss the case of the debtor.

WHEREFORE, your Trustee, being a proper party in interest, moves this Honorable Court to grant this motion and dismiss the case of the debtor for the reasons cited.

/s/ Lauren A. Helbling

LAUREN A. HELBLING (#0038934)

Chapter 13 Trustee

200 Public Square, Suite 3860

Cleveland OH 44114-2321

Phone (216) 621-4268 Fax (216) 621-4806

Ch13trustee@ch13cleve.com

CERTIFICATE OF SERVICE

I certify that on April 2, 2018, a true and correct copy of this Motion to Dismiss Case was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Brian D Flick, on behalf of Michael J. Brzeski, Debtor
at Bflick@Dannlaw.Com

And by regular U.S. mail, postage prepaid, on:

Michael J. Brzeski, Debtor, at 1349 West 93rd Street, Cleveland, OH 44102

/s/ Lauren A. Helbling

LAUREN A. HELBLING (#0038934)

Chapter 13 Trustee

200 Public Square, Suite 3860

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(216) 621-4268